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Susan**FAX TRANSMISSION**

TO: Doug Jensen FROM: Lynn Pace
FAX: 359-3940 PAGES 4 If you did not receive all pages,
(including cover): please call immediately.
PHONE: _____ DATE: 5/10/06
RE: Lakeview Rock Products

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

COMMENTS:

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MAY 10 2006

SALT LAKE CITY CORPORATIONLYNN H. PACE
DEPUTY CITY ATTORNEY

LAW DEPARTMENT

ROSS C. ANDERSON
MAYOR
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CITY ATTORNEY

May 10, 2006

Doug Jensen
Susan M. White
Utah Division of Oil, Gas & Mining
1594 West Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Re: Salt Lake City Review of Notice of Intention to Commence Large Mining Operations for
Lakeview Rock Products, Inc.

Dear Susan and Doug:

Pursuant to your request, I have reviewed the Notice of Intention to Commence Large Mining Operations prepared for Lakeview Rock Products, Inc. by JBR Environmental Consultants, dated February 2006, as updated through April 7, 2006 (hereinafter the "Reclamation Plan"). I have also reviewed and compared the Lakeview Reclamation Plan with the Beck Street Reclamation Framework and Foothill Area Plan adopted by Salt Lake City in September 1999 (the "Beck Street Plan"), and the Development Agreement executed between Hughes & Hughes Investment Corporation and Salt Lake City Corporation, dated December 20, 1996 (the "Development Agreement").

As you are aware, the Development Agreement addresses the nature and extent of excavation which would occur at the Lakeview Gravel Pit. That Development Agreement has not been amended, and to my knowledge there is no present intention to amend the agreement. Although the Beck Street Plan has been adopted by the City, that plan is only advisory and does not supercede the mandatory requirements contained within the Development Agreement.

For the purposes of this letter, the most significant provisions of that Development Agreement are:

- (a) A requirement that the "final overall slope angle in excavated areas shall not exceed 45°, as measured from a horizontal plane;" and
- (b) A requirement that Lakeview warrant all of the revegetation for a period of at least 18 months and two growing seasons.

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A copy of the Development Agreement is enclosed for your review. It is the City's position that the terms of the Reclamation Plan should be consistent with the mandatory provisions of the Development Agreement.

With those preliminary observations in mind, I have prepared the following comments on the proposed Lakeview Reclamation Plan.

1. Zoning. In the Reclamation Plan, Lakeview has indicated that the eastern portion of the Mary Clarke property which is zoned as open space will not be affected by the mining operation. While the City does not quarrel with this statement, Lakeview fails to point out that the eastern portion of the property already owned by Lakeview is also zoned as open space. The Reclamation Plan should be amended to require Lakeview to comply with the applicable zoning on all properties.

2. Scope of Excavation. In several places throughout the Reclamation Plan, Lakeview expresses its intention to excavate the pit wall to a slope ranging between 40°-60° from horizontal. As discussed above, the terms of the Development Agreement prohibit any excavation beyond a 45° slope. In order to comply with the requirements of that Development Agreement, no individual cut at any location should exceed a 45° slope.

3. Revegetation. Pursuant to the terms of the Development Agreement, Lakeview should be required to revegetate both the high benches and the pit floor. Pursuant to the requirements of that agreement, Lakeview should also be required to import top soil to the extent necessary to revegetate the pit floor. Finally, Lakeview should be required to warrant the revegetation of those areas for a period of at least 18 months and two growing seasons.

4. Excavation Limit Line. The maps included in the Reclamation Plan labeled as Figure 3 and Figure 5 depict an excavation limit line that does not match the current zoning on the property or the proposed excavation limit line which Lakeview and the City have discussed on several occasions. The City believes that there is no substantive disagreement between Lakeview and the City as to where that excavation limit line should be located, but any discrepancies should be discussed and agreed to prior to approval of the Reclamation Plan. Specifically, as the City has discussed with representatives of Lakeview on several occasions, the excavation limit line should reflect the following:

- (a) Preservation of the elevated rock outcropping on the southern edge of the Lakeview Property,
- (b) Excavation along the west side of the existing roadway on the Lakeview Property; and
- (c) An excavation limit line that continues in a northwesterly direction so as to preserve all of the Mary Clarke Property currently zoned as open space to the County line.

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5. Fencing. Both the Reclamation Plan and the maps propose to construct or maintain a fence along the property line. The City asserts that it would be more appropriate to maintain a fence in a proximity closer to the pit edge, so that the undisturbed eastern portion of the property would more easily "blend[] with surrounding lands along the Bonneville Bench." (See p. 23 of Reclamation Plan.)

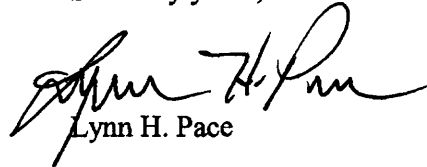
6. Shoreline Trail. Contrary to representations contained in the plan, the Bonneville Shoreline Trail is already constructed and in use along the area east of the Lakeview Property.

7. Variances. Of the variances requested, the City opposes the requested variance to allow excavation beyond a 45° slope, to eliminate the requirement to revegetate the high wall benches, and to reduce the 70% requirement for revegetation of the pit floor.

8. Pit Floor Elevation. The Reclamation Plan should clarify that no portion of the pit floor may be excavated to a level lower than the elevation of Beck Street.

I hope this information is helpful to you in reviewing and revising the Lakeview Reclamation Plan. If you have any further questions, please let me know.

Sincerely yours,



Lynn H. Pace

LHP/ns
Encl.

cc: Kevin R. Watkins
Attorney for Lakeview Rock Products, Inc.
Doug Wheelwright

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